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C O N F I D E N T I A L ANKARA 001643

SIPDIS

DEPARTMENT FOR EUR/SE

E.O. 12958: DECL: 03/18/2014

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [TU](#)

SUBJECT: DEFENSE IN ALTINBAS CASE PROTESTS U.S. "PRESSURE"

REF: A. ANKARA 1359

[B](#). ANKARA 958

[C](#). SECSTATE 35967

Classified by Polcouns John Kunstadter; reasons 1.4 b and d.

[1](#)1. (U) Defense attorneys for police officers indicted in the death-in-detention case of Birtan Altinbas continued March 18 to argue that "U.S. pressure" is preventing them from properly defending their clients. As in the previous hearing (reftel A), the attorneys noted that the case was mentioned in a February 19 letter to FM Gul from the Secretary (reftel C) and in the 2003 Human Rights Report for Turkey. They also claimed that the presence of an Embassy Officer in the courtroom was "creating pressure" on them. One of the attorneys, Mehmet Ener, told the court he refused to defend his client in the presence of a U.S. observer, and asked that Emboff be removed. Another asked that a new panel of judges be assigned to the case. Chief Judge Ziya Unal ignored the requests. Lead prosecuting attorney Oya Aydin argued that the defense failed to explain how U.S. attention is interfering with the case.

[1](#)2. (U) Altinbas, a Hacettepe University student at the time, died under police custody in 1991. Hasan Cavit Orhan, one of 10 police officers charged in the case, and the only one attending the March 18 hearing, told the court that he was an "operations officer" and did not participate in interrogations. Moreover, Orhan claimed he recently came across evidence proving he was not present when Altinbas was being interrogated. He asked the court to delay proceedings so that this evidence could be investigated. The court refused, stating that additional time is not necessary.

[1](#)3. (U) Ahmet Ozcicek then announced his resignation as Orhan's attorney and left the courtroom. Attorney Halit Armutlu announced he is taking over, and asked for additional time to study the case file. The chief judge refused, noting that Orhan's previous two attorneys had asked for additional time and then resigned. He said that throughout the 13-year-old trial defense attorneys have repeatedly resigned, postponing a verdict. "If at every hearing a new lawyer comes and asks for more time, how will this trial end?" he asked. Armutlu argued that each defense lawyer has the right to prepare an adequate case. The judge agreed, but said that right has "apparently been abused" in this trial. The chief judge said he will hold only one more hearing before reaching a verdict. He initially set the next hearing for March 25; when defense lawyers asked for another week, he moved it to March 26.

Comment

[1](#)4. (C) Though this court is apparently about to reach a verdict, this case is far from over because the losing side is certain to appeal. The defense attorneys' shabby, nationalistic approach is only the latest stunt in a long-running effort to delay a final verdict until January 2006, when the statute of limitations on the charges runs out and the defendants would walk. U.S. attention has not forced more defendants to show up for trial, but it has apparently caused the court to expedite the proceedings. Turkish penal courts usually schedule one hearing a month -- and this had been the norm in this case -- but the next session will be the third held in March for this case. Moreover, the court has begun refusing postponement requests that it routinely approved in the past.

